

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 15, 2015

The Rush River Water Resource District met on September 15, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Richard Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc.; Hali Durand, Cass County Planner; Tom Soucy, Cass County Highway Department; and Dane Larsen, property owner in Berlin Township.

Minutes

It was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to approve the minutes of the August 18, 2015, meeting.

Drain #2 Improvement Project No. 2015-02 - cleanout of the Lower Rush River from the outlet, west 5 miles

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the *Resolution of Necessity* regarding Drain No. 2 Improvement Project No. 2015-02 and to authorize Moore Engineering Inc. to hire a contractor for the project, not to exceed \$99,000. Upon roll call vote, the motion carried unanimously. A copy of this Resolution and the *Resolution Authorizing the Issuance of \$150,000 Limited Tax Improvement Bonds of 2015* is attached hereto.

Drain No. 2 Channel Improvement Project No. 2015-01

Mr. Woodard reviewed the progress of Drain No. 2 Channel Improvements Project No. 2015-01. Options were discussed regarding the placement of signs to indicate where the road narrows and curves at the culvert. Mr. Woodard will look at the site and report back to the Board.

Drain #67 silt / debris removal at outlet and Drain #52 silt / debris removal at State Highway 18

Manager Wolfer reported that there is silt in the bottom of Drain #67 at the outlet. Mr. Woodard said there is also debris in the culverts at the outlet into the Lower Rush River.

Work needed on Drain #52 was also discussed.

It was moved by Manager Hejl and seconded by Manager Sundberg to authorize Moore Engineering, Inc. to hire a contractor to remove silt / debris from Drain #67 at the outlet into the Rush River and from Drain #52 at State Highway 18, not to exceed \$1,000.00 per drain. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201514 for Dan Zimmerman in the NW 1/4 and SW 1/4 of Section 5 in Rush River Township

The Board reviewed *Application to Install a Subsurface Drain #201514* dated August 17, 2015, for Dan Zimmerman. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the W 1/2 of Section 5 in Rush River Township, Cass County, North Dakota. The project will include a pump outlet that will discharge into the Cass County Highway 4 road ditch.

The Board previously provided a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1 to Cass County; the Board will require Applicant to obtain permission from Cass County regarding utilization of the County's highway right of way.

According to records on file with the Cass County Recorder's Office, Applicant owns the NW 1/4 of Section 5, subject to a life estate in favor of Lester and Evelyn Zimmerman. Applicant owns the SW 1/4 of Section 5.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve *Application to Install a Subsurface Drain #201514* dated August 17, 2015, for Dan Zimmerman in the W 1/2 of Section 5 in Rush River Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder's office) a permanent easement (and not just a written consent) that permits Applicant to install, operate, and maintain a subsurface tile system in the NW 1/4 of Section 5 in Rush River Township, granted by the owners of the life estate in the NW 1/4 of Section 5;
- 2) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 3) That Applicant obtain written permission from Cass County to discharge into, or otherwise utilize, any of its county highway right of way;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

5) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;

6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Rush River Water Resource District; and

7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201512 for Duane Dickson in the SW 1/4 and SE 1/4 of Section 30 in Hunter Township

The Board reviewed *Application to Install a Subsurface Drain #201512* for Duane Dickson in the SW 1/4 and SE 1/4 of Section 30 in Hunter Township. The North Cass Water Resource District Board previously approved the application contingent upon the approval of the Rush River Water Resource District and the conditions they attach. Mr. Woodard will inspect the area and report back to the Board on the matter.

Application to Install a Subsurface Drain #201515 for Roger G. Nelson in the SW 1/4 of Section 7 in Rush River Township

The Board reviewed *Application to Install a Subsurface Drain #201515* dated September 10, 2015, for Roger G. Nelson LLLP. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SW 1/4 of Section 7 in Rush River Township, Cass County, North Dakota. The project will include a pump outlet in the southwest corner of the SW 1/4; from there, the pump will discharge via an underground pipe that will run diagonally from the southwest corner of the SW 1/4 of Section 7 into the northeast corner of the NE 1/4 of Section 13 in Amenia Township; from there, the tile discharge will run south through the west township road ditch along the township road between Section 18 in Rush River Township and Section 13 in Amenia Township.

Because the proposed project will discharge along property owned by Applicant, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1. According to records on file with the Cass County Recorder’s Office, Roger G. Nelson LLLP owns the SW 1/4 of Section 7 in Rush River Township and the NE 1/4 of Section 13.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve *Application to Install a Subsurface Drain #201515* dated September 10, 2015, for Roger G. Nelson LLLP in the SW 1/4 of Section 7 in Rush River Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain written permission from the Amenia Township Board of Township Supervisors or the Rush River Township Board of Township Supervisors (whichever entity has jurisdiction regarding the section line road between Amenia and Rush River Townships) to bore through its township road;
- 3) That Applicant obtain written permission from the Amenia Township Board of Township Supervisors to discharge into, or otherwise utilize, its township road ditch for purposes of conveying Applicant's tile discharge;
- 4) That Applicant notify the Rush River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) That Applicant notify the Rush River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Rush River Water Resource District; and
- 7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #201516 for Roger G. Nelson LLLP in Section 13 of Amenia Township

The Board reviewed *Application to Install a Subsurface Drain #201516* for Roger G. Nelson LLLP in Section 13 of Amenia Township. A *Thirty-Day Notice* will be sent to the downstream landowners.

Bills

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #4077 through #4084 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl and Sundberg. The Chairman declared the motion passed.

Adjournment

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer